

SENATE—Friday, June 9, 2000

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Church on Capitol Hill, Washington, DC, offered the following prayer:

Brothers and sisters, listen to the words of the Prophet Isaiah:

Cry out full throated and unsparingly,
Lift up your voice like a trumpet blast;
Is this the manner of fasting I wish,
Of keeping a day of penance:
That a man bow his head like a reed,
And lie in sackcloth and ashes?
Do you call this a fast,
A day acceptable to the Lord?
This, rather, is the fasting I wish,
Releasing those bound unjustly,
Untying the thongs of the yoke;
Setting free the oppressed,
Breaking every yoke;
Sharing your bread with the hungry,
Sheltering the oppressed and the homeless;
Clothing the naked when you see them,
And not turning your back on your own.
Then your light shall break forth like the dawn,

And your wound shall quickly be healed;
Your vindication shall go before you,
And the glory of the Lord shall be your rear guard.

Then you shall call, and the Lord will answer,
You shall cry for help, and he will say:
Here I am!

If you remove from your midst oppression,
False accusation and malicious speech;
If you bestow your bread on the hungry
And satisfy the afflicted;
Then light shall rise for you in the darkness,

And the gloom shall become for you the midday;

Then the Lord will guide you always
And give you plenty even on the parched land.

Let us pray:

Blessed are you, Lord, God of mercy, who through Your Son gave us a marvelous example of charity and the great commandment of love for one another. Send down Your blessings on these United States, and send Your blessings on the men and women who serve in this Senate. Give them wisdom; Give them insight; Give them courage; Give them strength. Let them faithfully serve You in their neighbor. Glory and praise to You for ever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable L. CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. L. CHAFEE) The Senator from Alaska.

SCHEDULE

Mr. STEVENS. Mr. President, today the Senate will resume consideration of the Department of Defense appropriations bill. Under the order, there will be up to 10 minutes of debate on the pending Grassley amendment regarding accounting, with the vote to occur at approximately 9:40 on that amendment.

Following the vote, the Senate will continue debate on this Appropriations bill, with further amendments expected to be offered.

Again, Senator INOUE and I invite our friends to bring amendments to the floor now so that we might consider adopting them at this time.

It is hoped that the consideration of the Defense appropriations bill can be completed early next week.

We hope it will be by Tuesday so that we can take up one of the other bills. We will have several bills ready to take up by midweek next week. We hope to be able to get to them and get them to conference before the Fourth of July recess.

We thank our colleagues for their cooperation on this bill.

LEAVE OF ABSENCE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of Senator JOHN KERRY, I ask unanimous consent that he be permitted to be absent from the service of the Senate on Friday, June 9—today—due to family illness.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

**DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2001**

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4576, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Grassley amendment No. 3279, to require the Department of Defense to match certain disbursements with obligations prior to payment.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate on amendment No. 3279 with the time equally divided.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume, obviously up to the limit, but I will not use all of it.

I will make a few brief remarks about the pending amendment which I laid down last night and spoke shortly on that particular time. My amendment requires the Department of Defense to match disbursements with obligations before making payments.

I know this sounds like commonsense stuff—it is really basic accounting 101—but it goes to a very major problem we have within the Department of Defense. They don't always make payments based on invoices. They don't always match the check being mailed out for certain goods or services received.

I am sure my colleagues must be wondering why the Senator from Iowa has to offer an amendment such as this. They must be asking themselves this question: Isn't DOD already doing it?

Unfortunately, the fact remains that the Pentagon bureaucrats are not doing it.

Businesses do it on a routine basis. And most citizens do it, too. You just don't write out a check and pay a bill until you are absolutely certain that you owe the money. You must first verify that you have a legitimate obligation to pay the bill. And you have enough money in the bank to cover it.

This amendment and device that has been used now for several years to try to straighten things out in the Pentagon is a handy device also for deterring fraud. And it helps to prevent mismanagement and other abuses in the Pentagon's vast financial accounts.

This policy has been incorporated in the last six appropriations acts.

Each year we have ratcheted down the threshold or dollar level where the matching must be done.

In 1995, we started out with payments of \$5 million.

Each year since then, we have gradually lowered the threshold but always keeping the pressure on for reform.

Last year the Senate voted to lower the threshold to \$500,000.

This year—in the amendment—I am recommending that the threshold be maintained at \$500,000.

I think we should keep it at the current level for another year. I am not sure DOD is ready to move to a lower level—not meaning that it wouldn't be right to move to a lower level. But if they don't have the mechanical capability of moving to a lower level, we want to make sure that we make progress in this area. However, we don't want to hold up the normal way of doing business or the process of doing business in the Defense Department.

The General Accounting Office will look at this issue again and determine when and how the threshold should be lowered in the future, and in future years I would follow their recommendations.

I also take this opportunity to thank my good friend from Alaska, the chairman of the committee, Senator STEVENS, and my good friend from Hawaii, the ranking minority member, Senator INOUE, for their support of this amendment.

I urge my colleagues to join me in voting for this measure.

I yield the floor.

If it is the desire that other Members yield back the remainder of their time, I will yield my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I and Senator INOUE welcome the cooperation of the Senator from Iowa to keep the current level for next year. We are trying our best to have the ability to take it down to zero in the near future.

For now, we do thank the Senator for once again calling the attention of the Department of Defense to the fact that Congress wants good accounting procedures followed. He is right that this is the procedure followed by profit and nonprofit entities in our country.

I ask my friend if he desires any time.

Mr. INOUE. Mr. President, I join my chairman in supporting the measure.

Mr. STEVENS. With that, I yield back our time.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 3279. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Ohio (Mr. VOINOVICH), are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce the Senator from North Dakota (Mr. CONRAD), the

Senator from South Carolina (Mr. HOLINGS), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent because of family illness.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—88

Abraham	Enzi	Lincoln
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Roth
Bryan	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee, L.	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerry	Kohl
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—12

Bunning	Kerry	Rockefeller
Conrad	McCain	Torricelli
Domenici	Murray	Voinovich
Hollings	Nickles	Wellstone

The amendment (No. 3279) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The Senator from North Carolina has an amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair and the distinguished Senator from Alaska.

Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks from my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3280

(Purpose: To express the sense of the Senate on bringing peace to Chechnya)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be read in full.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3280:

At the appropriate place in the bill insert the following:

SEC. ____ SENSE OF THE SENATE ON BRINGING PEACE TO CHECHNYA.

(a) FINDINGS.—The Senate finds that—

(1) the Senate of the United States unanimously passed Senate Resolution 262 on February 24th, 2000, which condemned the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya and called for peace negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya led by President Aslan Maskhadov;

(2) the Committee on Foreign Relations of the Senate received credible evidence reporting that Russian forces in Chechnya caused the deaths of innocent civilians and the displacement of well over 250,000 other residents of Chechnya and committed widespread atrocities, including summary executions, torture, and rape;

(3) the Government of the Russian Federation continues its military campaign in Chechnya, including using indiscriminate force, causing further dislocation of people from their homes, the deaths of noncombatants, and widespread suffering;

(4) the Government of the Russian Federation refuses to participate in peace negotiations with the democratically elected government of Chechnya;

(5) the war in Chechnya contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, and is a threat to the peace in the region; and

(6) it is in the interests of the United States to promote a cease-fire in Chechnya and negotiations between the Government of the Russian Federation and the democratically elected government of Chechnya that result in a just and lasting peace;

(7) representatives of the democratically elected President of Chechnya, including his foreign minister, have traveled to the United States to facilitate an immediate cease-fire to the conflict in Chechnya and the initiation of peace negotiations between Russian and Chechen forces;

(8) the Secretary of State and other senior United States Government officials have refused to meet with representatives of the democratically elected President of Chechnya to discuss proposals for an immediate cease-fire between Chechen and Russian forces and for peace negotiations; and

(9) the Senate expresses its concern over the war and the humanitarian tragedy in Chechnya and its desire for a peaceful and durable settlement to the conflict.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Russian Federation should immediately—

(A) cease its military operations in Chechnya and participate in negotiations toward a just peace with the leadership of the Chechen Government led by President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes; and

(C) grant international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and so-called "filtration camps", or any other facility where citizens of Chechnya are detained;

(2) the Secretary of State should meet with representatives of the government of Chechnya led by President Aslan Maskhadov to discuss its proposals to initiate a cease-fire in the war in Chechnya and to facilitate the provision of humanitarian assistance to the victims of this tragic conflict; and

(3) the President of the United States, in structuring United States policy toward the Russian Federation, should take into consideration the refusal of the Government of the Russian Federation to cease its military operations in Chechnya and to participate in peace negotiations with the government of Chechnya.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. First of all, I compliment the distinguished clerk because there was a name or two that was difficult to pronounce. I probably will have the same difficulty. In any case, I wanted the amendment to be read to serve notice that this is a matter of great importance and one that bothers me tremendously.

It grew out of a meeting yesterday morning with Mr. Ilyas Akhmadov, the Foreign Minister of Chechnya, who represents Chechnya's democratically elected President. He is visiting Washington hoping to discuss with the Clinton administration his government's efforts to bring an immediate cease-fire to the brutal war that has wrought so much misery and destruction upon the Chechen people. His proposals to achieve a cease-fire and peace negotiations deserve close consideration by Russia and, indeed, the entire international community.

I find it incredible that Mr. Akhmadov's requests for a meeting with Secretary of State Madeleine Albright and other senior U.S. Government officials have been flatly rejected. As a matter of fact, I resent the fact that they conducted themselves as they did because this is an outrage.

The United States should be working to facilitate peace in Chechnya, not to encourage the Kremlin to further its brutal campaign against the Chechen people.

There is simply no excuse for the Secretary of State to refuse even to meet with Mr. Akhmadov. Any meeting to discuss the democratically elected Government to Chechnya's legitimate peace proposal would not constitute a de facto recognition of Chechen independence. And the Secretary of State and others know that.

But this refusal even to meet with Mr. Akhmadov will certainly be interpreted, by Russia's President Putin, as yet another green light from the Clinton-GORE administration to continue its indiscriminate campaign of violence against the Chechen people—a campaign that has led to the death, starvation, and torture of countless of innocent people in Chechnya.

In our meeting yesterday morning, Mr. Akhmadov and I discussed the atrocities that Russian forces are committing against the Chechen popu-

lation. He shared with me, with tears in his eyes—and these were not pretended tears; this man was almost distraught about what is happening to his people—he gave me a grim picture of life in Chechnya under the repeated and indiscriminate assault by the Russian military.

Countless families continue to be bombed out of their homes. Chechens are still rounded up and sent to what are called “filtration camps” where they are tortured, raped, and then executed.

For too long, our President has refused to use his power and influence to pressure the Kremlin into genuine negotiations to end the bloody conflict in Chechnya which already has cost countless thousands of lives of men, women, and children.

Aside from empty rhetoric from the administration, not one finger has been lifted to make clear the outrage of the United States at the atrocities committed by Russian forces against innocent Chechen civilians.

Worse still, the administration has even legitimized Russia's military campaign in Chechnya with public declarations comparing this conflict to the Civil War in the United States.

For this reason, I submit this amendment to the Defense authorization bill. It calls upon the Kremlin to cease immediately its military operations in Chechnya.

It calls upon the Kremlin to grant international humanitarian organizations access to the victims of this conflict and do it immediately. And, this amendment calls upon Secretary of State Albright to meet with Mr. Akhmadov to at least consider his proposal to bring an end to this terrible war in Chechnya.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had not intended to speak on this, and I will not take any length of time. I think we are on the Defense appropriations bill. I don't know whether his intent was to offer this on Defense authorization or Defense appropriations. My colleague does not have to rise.

Mr. HELMS. Mr. President, I am absolutely amazed that any Senate Democrat, particularly my long-time friend from Connecticut, would talk about offering legislation on appropriations bills. I hope he won't take this further because I will cite hundreds of instances in the last 2 years where his side has bollixed up the operation of the Senate.

Mr. DODD. My colleague said he was amending the Defense authorization bill. This is the Defense appropriations bill. I just wondered if he was clear as to what bill we were dealing with at this moment.

Mr. HELMS. Let me tell you something, my friend. I will put this amend-

ment on anything I can, if it does one ounce of benefit for the Chechen people.

Mr. DODD. I appreciate that.

Mr. HELMS. And if it will encourage your President to at least stop some of his other activities and look at what is happening over there.

Mr. DODD. I had not seen the proposal that my good friend and colleague from North Carolina offered, but he made two observations. I don't disagree with the substance of his sense-of-the-Senate resolution, whether it is on an authorization bill or an appropriations bill. This body has spoken out unanimously expressing outrage over the atrocities in Chechnya.

I will say, on behalf of the Secretary of State and the President, that this matter has been raised by them with their counterparts at the highest levels, including a summit a few days ago when the President met with President Putin in Russia. I know the Secretary of State has raised it on numerous occasions in conversations I have had with her and others have had in hearings.

There is a sense, somewhat, of redundancy here, in that all of us have expressed this view, at the executive branch level and at the legislative branch level. I think the word has certainly gone forth directly to Mr. Putin on behalf of the President of the United States through our Department of State and through resolutions passed here.

I have no objection at all to the resolution and don't disagree with any of the substance of it. But Madeleine Albright has conducted herself admirably in this regard, as has the President. We all hope the tragedy there will end and a political resolution will be what results from their efforts, and that the atrocities will stop.

It is obviously up to the floor managers on how they want to consider this, but I don't have any objection to it being on this bill or any other bill. I just wanted to make an observation. That was all I was trying to suggest to my friend and colleague. I do believe that Madeleine Albright and the President have done a good job expressing how all Americans feel about this. Nonetheless, we will support this sense-of-the-Senate resolution.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank my friend from Connecticut. I know he is sincere in every word he says. But let me tell him what my friend and his friend, Madeleine Albright's crowd, did down at the State Department. This gentleman with whom I met yesterday was told: Well, we will send some functionary from the State Department to meet you in a restaurant somewhere, but we will not meet with you at the State Department. Now, come on; that is the worst example of “get aside, we

are not interested in you'' to the Chechen people. I resent it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3280.

The amendment (No. 3280) was agreed to.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak for 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. DODD. Mr. President, I thank the distinguished chairman and the ranking Democrat for their patience.

Every day that we have been in session over the last several weeks, the Democratic leader or his designees have identified those people who on this date in the year past lost their lives to gun violence in the United States. It is a way in which we have tried to highlight the significance of this issue. We have talked about Columbine High School and the tragedy of people losing their lives on that day.

The point the leader and those of us who support his efforts in the area of gun control have tried to make is that every single day in this country, there is a Columbine High School, and there has been for some time. So today, in that spirit of reminding our colleagues and the country again of the ongoing tragedy that occurs every single day in the United States, I will read the names of those people who on June 9, 1999, all across our country, lost their lives.

This is not the complete list in that this list only represents 100 cities with a population of more than 12,000 people. There are many other communities for which we don't have data.

The names are the following: Humberto Albear, Houston, TX; Jeffrey Barbush, St. Louis, MO; Guido Colomo, Houston, TX; Maria Cruz, Philadelphia, PA; Bernard Freeman, Chicago, IL; Scott Hawkins, Baltimore, MD; Robert Koch, Davenport, IA; Johnnie Martin, Chicago, IL; Martin Mendoza, Memphis, TN; Terrance Morrison, Boston, MA; John Rice, Philadelphia, PA; Gerardo Rios, Charlotte, NC; Cherie Shaw, Charlotte, NC; Chon Tang, Houston, TX; Tracy Taylor, Chicago, IL; Oscar J. Tunaes, Laredo, TX; unidentified male, Norfolk, VA.

Mr. President, the violence still continues in this country. While there is no simple answer, including gun control, there are many other aspects that provoke and cause this level of violence. There are several measures that could be adopted by the Congress that would reduce this wave that continues every single day in our country.

In memory of these 17 people and more—I assume, since we do not reflect

communities of 12,000 or more who lost their lives, that almost that many will lose their lives today somewhere in this country—it is our fervent hope that we will do a better job in reducing this level of violence in our country.

I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, when we were debating the authorization bill earlier this week, it had come to my attention that there would be an amendment offered dealing with the testing program of the National Missile Defense System and that some criticism was going to be cited in support of that amendment attributed to Mr. Ted Postol, who is a physicist at the Massachusetts Institute of Technology.

That amendment has not yet been offered. We are now on the appropriations bill. I expect we will hear, during the debate on this bill, suggestions that we are either appropriating too much money for national missile defense or the program is flawed or in other ways criticism of this program on various—some imagined, some maybe real—bases, complaining about the national missile defense appropriations and theater missile defense appropriations contained in this bill.

I am rising today almost as a preemptive debate against these criticisms which I expect will be made by some Senators. They will use Mr. Ted Postol from MIT as the authority for their arguments. So I wish to give the Senate some background, particularly in view of the New York Times article this morning as an example of merchandising, again, of a lot of these arguments that have been made by Mr. Postol.

On May 11, Mr. Ted Postol, a physicist at the Massachusetts Institute of Technology, wrote to a number of Clinton administration officials claiming to have discovered evidence that the National Missile Defense system now being tested will be easily defeated by simple countermeasures, that the Ballistic Missile Defense Organization's own data proved this, and that BMDO and its contractors conspired to hide this information by tampering with flight test data. Mr. Postol also claimed that BMDO had altered the National Missile Defense flight test program in order to hide the truths he claimed to have discovered.

Mr. Postol says he discovered the fatal weakness in the NMD system after studying BMDO data from Integrated Flight Test 1A, which was conducted in June, 1997, and was a test of a prototype kill vehicle built by the Boeing Company for the NMD interceptor missile. The test was not an at-

tempt to destroy the target, but only to understand the seeker's performance. It was intended specifically to understand how well the infrared sensor on the kill vehicle performed, compared to expectations, when it encountered a target warhead and a number of decoys and other penetration aids.

Mr. Postol contends that the results of Flight Test 1A showed that the NMD kill vehicle could not distinguish between a simple balloon decoy and an actual warhead, and that the entire test program, beginning with Integrated Flight Test 2, was restructured using far simpler targets to cover up this deficiency in the capacity of the vehicle to operate properly.

This contention by Mr. Postol is just not true. The facts are that Flight Test 1A involved a kill vehicle built by the Boeing Company. Flight Test 2 was conducted with a kill vehicle built by Raytheon, and used exactly the same target complex as Flight Test 1A, contrary to Mr. Postol's claims. Simpler targets were used in Flight Tests 3 and 4 because these tests had different objectives. Flight Tests 1A and 2 were intended to characterize the performance of the competing seekers; Flight test 3 was the first attempt to intercept and destroy a target warhead. Just as testing of any new aircraft begins with a taxi test, then a simple takeoff and landing, the first NMD intercept testing began with a single warhead accompanied by a balloon decoy. Subsequent tests will become progressively more difficult, an approach which follows the recommendations of a panel of experts headed by retired Air Force Chief of Staff Larry Welch. In fact, the Welch panel recommended that the Defense Department attempt its first intercept without countermeasures of any kind, in order to begin the testing as simply as possible, but BMDO believed it was worth the risk to attempt a more complicated test.

Mr. Postol appears to be unaware that the Boeing kill vehicle is no longer being used in the flight test program. The competing kill vehicle built by Raytheon, which has independently developed software, was selected for the NMD system and has been used in every test since Flight Test 1A.

Mr. Postol claims to have discovered in the data from Flight Test 1A that—and I quote—"the Exoatmospheric Kill Vehicle (EKV) will be defeated by the simplest of balloon decoys." The fact is that in Flight Test 3, on October 2, 1999, exactly the opposite happened, when the EKV disregarded a balloon decoy and successfully destroyed its target.

This isn't the first time Mr. Postol has been notoriously wrong about our missile defense program. In 1994, when the United States was preparing to conduct the first flight test of its Theater High Altitude Area Defense—or THAAD—system, he and some of his